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*78-0900/5*

MEMORANDUM FOR: Anthony Lapham, General Counsel  
John McMahon, Deputy Director for Operations  
Robert Gambino, Director of Security

25X1 FROM : [ ] Acting Legislative Counsel

SUBJECT : Reporting Unauthorized Disclosures of  
Intelligence Information to the Attorney  
General (U)

25X1 1. [ ] As you know, Section 1-707 of EO 12036  
appears to obligate senior Intelligence Community officials  
to bring serious or continuing breaches of security to the  
25X1 attention of the Attorney General. I understand that a  
new revision of [ ] will instruct  
all Agency components to report information on serious  
or continuing security breaches to OGC for consideration of  
referral to the Attorney General.

25X1 2. [ ] The DCI's recent expression of great concern  
to Senate Select Committee on Intelligence Chairman Birch  
Bayh (D., Ind.) over the possible unauthorized disclosure  
of a particularly sensitive matter has prompted an investigation  
by the Senate. The exchange of correspondence on this  
subject is attached. I am concerned that we have not  
also brought the matter to the attention of the Attorney  
General as required by Section 1-707.

25X1 3. [ ] DDO agreed that the disclosures involved  
were serious enough to warrant the DCI's initiative vis-a-vis  
the Senate, but I am told that the Directorate may not think  
the matter grave enough to be brought to the Attorney General's  
attention. I recognize that highly sensitive operational  
matters are involved, and that there certainly are practical  
limitations to what a referral to the Attorney General  
will accomplish, but I believe that failure to act in accordance  
with Section 1-707 with regard to both the Epstein book and the  
New York magazine article after having specifically raised  
one aspect of the issue with Chairman Bayh places the Director  
in an untenable position.

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4. [ ] I think that as a general proposition, any apparent unauthorized disclosure serious enough to be the subject of a DCI expression of concern to the Congress should also warrant referral to the Attorney General under Section 1-707. I believe, therefore, that it would be beneficial for us to work out procedures for insuring appropriate handling of possible security breaches having both congressional and Section 1-707 implications.

Attachment



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